

26, 1920, judgments of condemnation and forfeiture were entered by consent, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of bonds in the sum of \$2,000 in the consolidated case and \$500 in the other, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

7669. Misbranding of D. D. D. * * * Ordinary and D. D. D. * * * Strong. U. S. * * * v. D. D. D. Co., a Corporation. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 6239. I. S. Nos. 7912-e, 7160-e.)

On July 27, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information, and on January 12, 1916, an amended information, against the D. D. D. Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on January 27, 1913, from the State of Illinois into the State of Ohio, of a quantity of an article, labeled in part "D. D. D. Prescription for the Skin and Scalp. Ordinary Strength," and on January 14, 1913, from the State of Illinois into the State of Tennessee, of a quantity of an article, labeled in part "D. D. D. Prescription for the Skin Extra Strong," each of which was misbranded.

Analysis of a sample of the D. D. D. Ordinary by the Bureau of Chemistry of this department showed that it consisted essentially of a hydro-alcoholic solution of chloral hydrate, methyl salicylate, salicylic acid, thymol, phenol, glycerin, and yellow coloring matter, that 7.7 grains of chloral hydrate were present per fluid ounce, and that there was present 32.0 per cent of alcohol by volume.

Misbranding of this article was alleged in substance in the information for the reason that the following statement, regarding the curative and therapeutic effects thereof, appearing on the labels aforesaid, to wit, (bottle) "This bottle contains Ordinary, which is to be used until cure is effected in all cases of Weeping Eczema and in all cases of skin disease affecting the hands, face, head, neck, feet, privates," was false and fraudulent in this, that the said statement was applied to said article of drugs knowingly and with the intent to represent, and did so represent, to the purchasers of said article of drugs, and with the intent to create, and did so create, in the minds of such purchasers, the impression and belief that the said article of drugs would cure all cases of weeping eczema and all cases of skin disease affecting the hands, face, head, neck, feet, and privates, whereas, in truth and in fact, the said article of drugs would not cure all cases of weeping eczema or all cases of skin disease affecting the hands, face, head, neck, feet, or privates, and for most cases of weeping eczema and skin disease affecting the hands, face, head, neck, feet, and privates, the said article of drugs would be ineffective to produce a cure, and in the treatment of many cases of weeping eczema and skin disease affecting the hands, face, head, neck, feet, and privates, the said article of drugs would be harmful when used according to the directions accompanying said article of drugs, and the said statement was by the said defendant then and there applied to the said article of drugs with the intent to deceive the purchasers thereof, by representing to, and creating in the minds of, such purchasers the impression and belief that the said article of drugs would cure all cases of weeping eczema and all cases of skin disease affecting the hands, face, head, neck, feet, and privates, whereas, in truth and in fact, the said article of drugs would not cure all cases of weeping

eczema or all cases of skin disease affecting the hands, face, head, neck, feet, or privates, and for most cases of weeping eczema and skin disease affecting the hands, face, head, neck, feet, or privates the said article of drugs would be ineffective to produce a cure, and in the treatment of many cases of weeping eczema and skin disease affecting the hands, face, head, neck, feet, and privates the said article of drugs would be harmful when used according to the directions accompanying said article of drugs.

Misbranding was alleged for the further reason that the following statement, regarding the curative and therapeutic effects of said article of drugs, appearing on the labels aforesaid, to wit, (carton) "Remedy for Eczema and all Diseases of the skin and scalp. Ordinary Strength * * * A few of the Skin Diseases for which D. D. D. Remedy is invaluable Eczema in all its forms Psoriasis * * * Dandruff * * * Erysipelas * * * Lichen Ruber, Lichen Planus * * *," was false and fraudulent in this, that the said statement was applied to said article of drugs knowingly and with the intent to represent, and did so represent, to the purchasers of said article of drugs, and with the intent to create, and did so create, in the minds of such purchasers, the impression and belief that the said article of drugs would be an invaluable remedy for eczema in all its forms, whereas, in truth and in fact, the said article of drugs would not be an invaluable remedy for eczema in all its forms, and for most forms of eczema the said article of drugs would be ineffective as a remedy, and in the treatment of many forms of eczema the said article of drugs would be harmful when used according to the directions accompanying said article of drugs.

Misbranding was alleged for the further reason that the following statement, regarding the curative and therapeutic effects of the article, appearing on the labels aforesaid, to wit, (carton) "Remedy for Eczema and all Diseases of the skin and scalp. Ordinary strength * * * A few of the Skin Diseases for which D. D. D. Remedy is invaluable Eczema in all its forms * * * Dandruff * * * Erysipelas * * * Lichen Ruber, Lichen Planus * * *," was false and fraudulent in this, that the said statement was applied to said article of drugs knowingly and with the intent to represent, and did so represent, to the purchasers of said article of drugs, and with the intent to create, and did so create, in the minds of such purchasers, the impression and belief that the said article of drugs would cure eczema, whereas, in truth and in fact, the said article of drugs would not cure eczema, and for most cases of eczema the said article of drugs would be ineffective to produce a cure, and the said statement was by the said defendant then and there applied to the said article of drugs with the intent to deceive the purchasers thereof, by representing to, and creating in the minds of, such purchasers, the impression and belief that the said article of drugs would cure eczema, whereas, in truth and in fact, the said article of drugs would not cure eczema, and for most cases of eczema the said article of drugs would be ineffective to produce a cure.

Misbranding was alleged for the further reason that the following statement, regarding the curative and therapeutic effects of said article of drugs, appearing on the labels aforesaid, to wit, (carton) "Remedy for Eczema and all Diseases of the skin and scalp. Ordinary Strength * * * A few of the Skin Diseases for which D. D. D. Remedy is invaluable Eczema in all its forms Psoriasis * * * Dandruff * * * Erysipelas * * * Lichen Ruber Lichen Planus * * *," was false and fraudulent in that said statement was applied to the article of drugs knowingly and with the intent to represent, and did so represent, to the purchasers of said article of drugs, and with the intent to create, and did so create, in the minds of such purchasers, the impression and belief that the said article of drugs would be an invaluable remedy for psoriasis, dandruff, erysipelas, lichen ruber, and lichen planus, whereas, in truth and in fact, the said article of drugs would not be an invaluable remedy for psoriasis, dandruff, erysipelas, lichen ruber, or lichen planus, nor any remedy whatsoever for psoriasis, dandruff, erysipelas, lichen ruber, or lichen planus, and the said statement was by the said defendant then and there applied to the said article of drugs with the intent to deceive the purchasers thereof, by representing to, and creating in the minds of such purchasers the impression and belief that the said article of drugs would be an invaluable remedy for psoriasis, dandruff, erysipelas, lichen ruber, and lichen planus, whereas, in truth and in fact, the said article of drugs would not be an invaluable remedy for psoriasis, dandruff, erysipelas, lichen ruber, or lichen planus, nor any remedy whatsoever for psoriasis, dandruff, erysipelas, lichen ruber, or lichen planus.

Analysis of a sample of the D. D. D. Extra Strong by said Bureau of Chemistry showed that it consisted essentially of a hydro-alcoholic solution of methyl salicylate, salicylic acid, chloral hydrate, glycerin and phenol, and that 35.1 per cent of alcohol by volume was present.

Misbranding of this article was alleged for the reason that the following statement, regarding the curative or therapeutic effects thereof, appearing on the labels aforesaid, to wit, (bottle) "There are two D. D. D. Prescriptions: D. D. D. Ordinary and D. D. D. Strong. This bottle contains D. D. D. Strong and we recommend that two or three bottles of the Ordinary be used before commencing with the Strong. The Strong has been prepared specially for Chronic Dry Eczema and Psoriasis when confined to the trunk of the body, arms and legs," was false and fraudulent in this, that the said statement was applied to said article of drugs knowingly and with the intent to represent, and did so represent, to the purchasers of said article of drugs, and with the intent to create, and did so create, in the minds of such purchasers, the impression and belief that the said article of drugs would cure chronic dry eczema, when said disease should be confined to the trunk of the body, arms and legs, and when used after applying the contents of 3 bottles of the article of drugs known as "D. D. D. Prescription for the Skin and Scalp Ordinary Strength," whereas, in truth and in fact, the said article of drugs would not cure chronic dry eczema, when said disease should be confined to the trunk of the body, arms and legs, and when used after applying the contents of 3 bottles of the article of drugs known as "D. D. D. Prescription for the Skin and Scalp Ordinary Strength," and for most cases of chronic dry eczema the said article of drugs would be ineffective to produce a cure, and in the treatment of many cases of chronic dry eczema the said article of drugs would be harmful when used according to the directions accompanying said article of drugs, and the said statement was by the said defendant then and there applied to the said article of drugs with the intent to deceive the purchasers thereof by representing to, and creating in the minds of such purchasers the impression and belief that the said article of

drugs would cure all cases of chronic dry eczema, when said disease should be confined to the trunk of the body, arms, and legs, and when used after applying the contents of 3 bottles of the article of drugs known as "D. D. D. Prescription for the Skin and Scalp Ordinary Strength," whereas, in truth and in fact, the said article of drugs would not cure chronic dry eczema when said disease should be confined to the trunk of the body, arms, and legs, and when used after applying the contents of 3 bottles of the article of drugs known as "D. D. D. Prescription for the Skin and Scalp Ordinary Strength," and for most cases of chronic dry eczema the said article of drugs would be ineffective to produce a cure, and in the treatment of many cases of chronic dry eczema the said article of drugs would be harmful when used according to the directions accompanying said article of drugs.

On March 31, 1920, the defendant company entered a plea of *nolo contendere* to the information, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

7670. Adulteration of baled hay. U. S. * * * v. 37,830 Pounds of Baled Hay. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10020. I. S. Nos. 16336-r, 17639-r. S. No. E-1299.)

On April 14, 1919, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 37,830 pounds of baled hay, remaining unsold in the original unbroken packages at Stillmore, Ga., alleging that the article had been shipped on or about February 22, 1919, by R. H. Atwood & Co., St. Louis, Mo., and transported from the State of Missouri into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that the article consisted in whole or in part of a filthy, decomposed vegetable matter, said hay being at the time of said shipment and at the time of the filing of the libel in large part in a moldy and rotten condition.

On September 30, 1919, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the article be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

7671. Misbranding of Wilson's Solution Anti-Flu. U. S. * * * v. 27 Boxes of Wilson's Solution Anti-Flu. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9994. I. S. No. 7024-r. S. No. C-1143.)

On April 4, 1919, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the condemnation and forfeiture of 27 boxes of Wilson's Solution Anti-Flu, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about November 13, 1918, by Cooper Medicine Co., Dayton, Ohio, and transported from the State of Ohio into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Wilson's Solution Trade Anti-Flu Mark A Powerful Antiseptic to be used as a preventive against Influenza, Colds and Grip. A few drops inhaled from handkerchief disinfects nose and throat. To make spraying solution for nose and throat add 10 drops Wilson's